

11/28/05

APP JFW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

INVENTOR: Dan Kikinis et al.

CASE: P3233D1

SERIAL NO.: 09/387,616

GROUP ART UNIT: 2642

FILED: 08/31/1999

EXAMINER: Knowlin, Thjuan P.

SUBJECT: Method and Apparatus for Providing an Interactive Home Agent with
Access to Call Center Functionality and Resources

PARTY IN INTEREST: All inventions in the disclosure in the present case are
assigned to or assignable to: Genesys Telecommunications Laboratories, Inc.

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Dear Sirs:

APPEAL BRIEF

11/28/2005 JBALINAN 00000037 09387616

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500.00 DP

1.0

Real Party in Interest

The real party in interest is Genesys Telecommunications Laboratories, Inc.

2.0

Related Appeals and Interferences

7/28

This is an appeal from the Office Action of the Examiner dated 106/30/2005 rejecting claims 1-25, the only pending claims in the application. There are no related appeals of the claims in this case or interferences in the instant case.

3.0

Status of the Claims

Following is the status of all claims in the instant case:

1. Rejected - appealed in this brief.
2. Rejected - appealed in this brief.
3. Rejected - appealed in this brief.
4. Rejected - appealed in this brief.
5. Rejected - appealed in this brief.
6. Rejected - appealed in this brief.
8. Rejected - appealed in this brief.
9. Rejected - appealed in this brief.
10. Rejected - appealed in this brief.
11. Rejected - appealed in this brief.
12. Rejected - appealed in this brief.
13. Rejected - appealed in this brief.
14. Rejected - appealed in this brief.
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18. Rejected - appealed in this brief.
19. Rejected - appealed in this brief.
20. Rejected - appealed in this brief.
21. Rejected - appealed in this brief.
22. Rejected - appealed in this brief.
23. Rejected - appealed in this brief.
24. Rejected - appealed in this brief.
25. Rejected - appealed in this brief.

4.0 Status of Amendments

No amendments have been filed subsequent to the rejection of claims 1-25, the subjects of this appeal.

5.0 Summary of the Claimed Subject Matter

Following is a concise explanation of the subject matter defined in each of the four standing independent claims including their dependent claims.

5.1 Independent method claim 1

1. (Original) A method for establishing a remote agent station from a call center, comprising steps of [Fig.1; 126, 101]:
 - (a) establishing a data link between a computer platform at the remote agent station and a CTI processor connected to a telephony switch at the call center [Fig. 1, 129, 119, first described page 8, line 9, lines 18-20, p.8, line 27 through to p. 9, line 8] ;
 - (b) determining to switch a selected one of the incoming calls to an agent at the

remote agent station [p. 8 lines 18-20];

(c) retrieving data associated with the selected incoming call from a database at the call center [first described p. 9, lines 22-25];

(d) forwarding the data associated with the selected incoming call to the computer platform at the remote agent station via the data link [first described p. 9, lines 25-27] ;

(e) placing a call from the call center to a telephone at the remote agent station [p. 9, lines 21-22] ; and

(f) switching the selected incoming call to the remote agent station [p. 9, lines 27-28].

In summary method claim 1 provides an established data connection between the CTI processor at the call center and a computer station at a remote agent station, and as incoming calls to the call center are switched to the remote agent station, data pertaining to each incoming call is retrieved from the data base at the call center and sent via the open data link to the computer platform at the remote agent station to be displayed on the agent's VDU.

5.2 Independent method claim 8

8. (Original) A method for establishing a remote agent station from a call center, comprising steps of:

(a) implementing a dial-up data link between a computer platform at the remote agent station and a CTI processor connected to a telephony switch at the call center, wherein enabling the data link includes a log-in procedure, and wherein once established, the connection may be renewed after being broken by a reduced log-in procedure [p. 10, lines 12-23];

(b) receiving incoming calls at the call center;

(c) determining to switch a selected one of the incoming calls to an agent at the

remote agent station;

(d) placing a call from the call center to a telephone at the remote agent station via a telephone line connected to the telephone;

(e) detecting the incoming call by a TAPI-compliant device connected to the computer platform at the remote agent station and to the telephone line to the telephone at the remote agent station, initiating thereby a dial up of the data link with the reduced log-in procedure [p. 10, lines 1-2; 12-23];

(f) switching the selected incoming call to the remote agent station;

(g) retrieving data associated with the selected incoming call from a database at the call center; and.

(h) forwarding the data associated with the selected incoming call to the computer platform at the remote agent station via the open data link [p. 10, lines 17-23].

In summary, the above claim recites a simplified log in procedure providing the data connection between the remote agent and call center is not constantly maintained. The claim also provides for a TAPI-compliant device which enables a modem or bridge at the agent's PC/VDU interfacing with voice line 127 as well as to telephone 133. This enables the remote agent to control calls and data received from the call center via the PC/VDU.

5.3 Independent method claim 15

15. (Original) A method for establishing a remote agent station from a call center having a CTI processor connected by CTI link to a telephony switch, comprising steps of:

- (a) receiving incoming calls at the call center;
- (b) determining to switch a selected one of the incoming calls to an agent at the remote agent station;
- (c) dialing a modem at a computer platform at the remote agent station by a modem connected to the CTI processor, establishing thereby a data connection between

the computer platform at the remote agent station and the CTI processor [Fig. 1, 115, p. 8, line 27 to p. 9 line 2];

(d) placing a call from the call center to a telephone at the remote agent station via a telephone line connected to the telephone;

(e) switching the selected incoming call to the remote agent station;

(f) retrieving data associated with the selected incoming call from a database at the call center; and

(g) forwarding the data associated with the selected incoming call to the computer platform at the remote agent station via the open data link [p. 9, lines 9-28].

In summary method claim 1 provides an established data connection between the CTI processor at the call center and a computer station at a remote agent station via a dialing procedure into a modem bank connected to the CTI processor at the call center. As incoming calls to the call center are switched to the remote agent station, data pertaining to each incoming call is retrieved from the data base at the call center and sent via the modem connected data link to the computer platform at the remote agent station to be displayed on the agent's VDU.

5.4 Independent system claim 20

20. (Original) A home agent call center system, comprising:

a telephony switch connected to a first trunk adapted for receiving incoming calls from a telephony network [Fig. 1, 116, first described p. 7, lines 25-27], and to a second trunk adapted for placing outbound calls into the network [Fig. 1 117, p. 8, lines 18-22];

a computer telephony integration (CTI) processor connected to the telephony switch and to a data base [Fig. 1, 113, p.7, lines 9-17], the CTI processor executing a CTI application [Fig. 1, T-S 108, p. 8, lines 13-14; p. 9, lines 19-28];

an agent station remote from the call center, the agent station having a telephone connected by a first telephony line to the telephony network and a computer platform

with a video display unit (PC/VDU) connected by a second telephony line through a modem to the telephony network [p. 8, line 27 to p. 9 line 2]; and

a data port associated with the CTI processor adapted to establish a data connection [p. 8, lines 7-10];

wherein a data connection is established between the CTI processor and the computer station at the remote agent station, and as incoming calls are switched to the remote agent station, data pertaining to each incoming call is retrieved from the data base and sent via the open data link to the computer platform at the remote agent station to be displayed on the VDU [p. 10, lines 17-23].

In summary the above claim provides a system which accomplishes a data connection between a CTI processor at the call center and a computer station at a remote agent station, and as incoming calls to the call center are switched to the remote agent station, data pertaining to each incoming call is retrieved from the data base at the call center and sent via the open data link to the computer platform at the remote agent station to be displayed on the agent's VDU.

6. Grounds of Rejection to be Reviewed on Appeal

Independent claims 1-25 stand rejected under 35 U.S.C. 102(e) as being anticipated by Petrunka et al. (US Pat No. 6,122,364).

7. Argument

Following is a presentation of arguments against the rejection put forth by the Examiner.

7.1 35 U.S.C. 102 against claims 1-25

re: independent Claims 1, 8, 15, 20

The Examiner rejects independent claims 1, 8, 15 and as being anticipated by Petrunka. The Examiner rejects the independent claims as a group, so appellant presents the arguments and rebuttal in same. Appellant believes that the Examiner has presented a piece of art that fails to teach all of the limitations positively recited in appellant's independent claims. Therefore, the Examiner has failed to present a proper *prima facie* case of anticipation against appellant's independent claims.

The Examiner's Arguments:

4. In regards to claims 1, 8, 15, 20, 22, and 23, Petrunka discloses a method and system for establishing a remote agent station (Fig. 1 and agent terminal 1310) from a call center (Fig. 1 and Network Call Center 1100), comprising steps of: establishing a data link (data network 1500) between a computer platform at the remote agent station and a CTI processor connected to a telephony switch at the call center (Fig. 1 and col. 3 lines 15-21); determining to switch a selected one of the incoming calls to an agent at the remote agent station; retrieving data associated with the selected incoming call (col. 1-6) from a database (ACD server 1120); forwarding the data associated with the selected incoming call to the computer platform at the remote agent station via the data link (col. 5 lines 44-50); placing a call from the call center to a telephone at the remote agent station; and switching the selected incoming call to the remote agent station (col. 5 lines 51-61).

Appellant's response:

Applicant argues that Petrunka clearly does not anticipate all of applicant's limitations in the base claims, and does not teach all of the method steps of applicant's claims, in the order in which they are recited in the claims, which is required for a *prima*

facie rejection.

The above teaching of Petrunka clearly teaches that the call is received at the agent station before information regarding the caller, or any other data concerning the call is received at the agent station 1310. Applicant wishes to direct the Examiner's attention to applicant's step (c) of claim 1, which specifically recites "retrieving data associated with the selected incoming call from a database at the call center, and step (d), which recites "forwarding the data associated with the selected incoming call to the computer platform at the remote agent station via the data link", both steps (c) and (d) occurring before the actual placing and switching of the incoming call to the remote station.

Referring now to claim 1, with reference to Fig. 1, in a preferred embodiment of applicant's invention, wherein the data connection is kept active until the remote agent logs off, when a call arrives at the telephony switch 109 and it is determined that the routing for the call is to be the remote agent, router 118 directs the switch to transfer the call to the remote agent, and data associated with the incoming call is then retrieved from database 113. The additional data associated with the call is retrieved (step (c)) from the database using information derived from the call, and is forwarded (step (d)) to the remote agent station via the always-open data connection. In this manner a screen pop-up with pertinent client information, or even a script to assist the agent in the interaction with the client, may be displayed at the agent station by the time the call actually arrives, or even before the call arrives at the agent station. Both steps (c) and (d) above, clearly occur before the incoming call is connected to the remote station, and retrieving data associated with the incoming call from a database, and forwarding it to the remote agent at the time of, or even before the call arrives, is very important to applicant's invention, and the specific method steps of applicant's claims, in the order in which they are recited, are clearly not anticipated by Petrunka (see Petrunka col. 5, lines 52-62).

Further applicant argues that Petrunka fails to teach the reduced log in procedure or the TAPI- compliant phone as recited in claim 8 (see Petrunka Fig. 3, col. 4, lines 32-43). Applicant also points out that the claims in the present application are in their

original form as filed. There have been no amendments to the claims during the prosecution process.

As a broad statement for the record, it appears the examination in this case is following the old path of investing prior art status in inventions that accomplish the same or a similar purpose as the invention in examination, rather than following the principle that it is the actual limitations of the claim that must be found in the art. The Examiner in this case continues to use references which teach the capability of receiving calls at a remote agent station and even capable of receiving data regarding the calls remotely. The problem with this approach in examination is that the rejections are not *prima facie*, in that they do not teach the actual physical limitations of the claimed apparatus and the order in which functionality of those components occurs. They only teach accomplishing a similar purpose.

re: dependent claims 2-7, 16-19, and 21-25

Appellant asserts that the remaining dependent claims depend from either claim 1, 8, 15 or 20 as being anticipated by Petrunka. As the independent claims are shown to be patentable over the art of Petrunka, said dependent claims are at least patentable as depending from a patentable independent claim.

So the appellant asserts that a proper rejection, under 35 U.S.C. 102, is not supported by the art of Petrunka, because claimed limitations, which enable a much more sophisticated and useful system than that of the Petrunka reference.

Appellant therefore strongly believes that all of the claims standing are clearly and unarguably patentable over the art of Petrunka. Accordingly, appellant respectfully requests that the Board reverse the rejection of the claims and hold the claims allowable.

8.

Claims Appendix

The claims involved in the appeal are:

1. (Original) A method for establishing a remote agent station from a call center, comprising steps of:

- (a) establishing a data link between a computer platform at the remote agent station and a CTI processor connected to a telephony switch at the call center;
- (b) determining to switch a selected one of the incoming calls to an agent at the remote agent station;
- (c) retrieving data associated with the selected incoming call from a database at the call center;
- (d) forwarding the data associated with the selected incoming call to the computer platform at the remote agent station via the data link;
- (e) placing a call from the call center to a telephone at the remote agent station; and
- (f) switching the selected incoming call to the remote agent station.

2. (Original) The method of claim 1 wherein the CTI processor at the call center and the computer platform at the remote agent station each have a modem connected by a telephony line to a telephony network, and in step (a) the data link is established by the computer platform dialing up the CTI processor through the telephony network.

3. (Original) The method of claim 2 wherein the telephony network is a publicly-switched telephony network..

4. (Original) The method of claim 1 wherein the CTI processor at the call center is adapted as an Internet server, and in step (a) the data link is established by the computer platform at the remote agent station dialing up an Internet service provider and

establishing an Internet connection to the CTI processor.

5. (Original) The method of claim 1 wherein, in step (e), the data forwarded is displayed as a screen pop on a video display connected to the computer platform at the remote agent station.

6. (Original) The method of claim 5 wherein the screen pop includes a script for the agent at the remote agent station.

7. (Original) The method of claim 1 wherein first control routines executing at the CTI processor and second control routines executing at the computer platform at the remote agent station are adapted to cooperate over the data link to provide call center services to the agent at the remote agent station.

8. (Original) A method for establishing a remote agent station from a call center, comprising steps of:

(a) implementing a dial-up data link between a computer platform at the remote agent station and a CTI processor connected to a telephony switch at the call center, wherein enabling the data link includes a log-in procedure, and wherein once established, the connection may be renewed after being broken by a reduced log-in procedure;

(b) receiving incoming calls at the call center;
(c) determining to switch a selected one of the incoming calls to an agent at the remote agent station;

(d) placing a call from the call center to a telephone at the remote agent station via a telephone line connected to the telephone;

(e) detecting the incoming call by a TAPI-compliant device connected to the computer platform at the remote agent station and to the telephone line to the telephone at the remote agent station, initiating thereby a dial up of the data link with the reduced log-in procedure;

- (f) switching the selected incoming call to the remote agent station;
 - (g) retrieving data associated with the selected incoming call from a database at the call center; and
 - (h) forwarding the data associated with the selected incoming call to the computer platform at the remote agent station via the open data link.
9. (Original) The method of claim 8 wherein the CTI processor at the call center and the computer platform at the remote agent station each have a modem connected by a telephony line to a telephony network, and in step (e) the data link is established by the computer platform dialing up the CTI processor through the telephony network,
10. (Original) The method of claim 9 wherein the telephony network is a publicly-switched telephony network..
11. (Original) The method of claim 8 wherein the CTI processor at the call center is adapted as an Internet server, and in step (a) the data link is established by the computer platform at the remote agent station dialing up an Internet service provider and establishing an Internet connection to the CTI processor.
12. (Original) The method of claim 8 wherein, in step (h), the data forwarded is displayed as a screen pop on a video display connected to the computer platform at the remote agent station.
13. (Original) The method of claim 12 wherein the screen pop includes a script for the agent at the remote agent station.
14. (Original) The method of claim 8 wherein first control routines executing at the CTI processor and second control routines executing at the computer platform at the remote agent station are adapted to cooperate over the data link to provide call center services to

the agent at the remote agent station.

15. (Original) A method for establishing a remote agent station from a call center having a CTI processor connected by CTI link to a telephony switch, comprising steps of:

- (a) receiving incoming calls at the call center;
- (b) determining to switch a selected one of the incoming calls to an agent at the remote agent station;
- (c) dialing a modem at a computer platform at the remote agent station by a modem connected to the CTI processor, establishing thereby a data connection between the computer platform at the remote agent station and the CTI processor;
- (d) placing a call from the call center to a telephone at the remote agent station via a telephone line connected to the telephone;
- (e) switching the selected incoming call to the remote agent station;
- (f) retrieving data associated with the selected incoming call from a database at the call center; and
- (g) forwarding the data associated with the selected incoming call to the computer platform at the remote agent station via the open data link.

16. (Original) The method of claim 15 wherein the telephony network is a publicly-switched telephony network..

17. (Original) The method of claim 15 wherein, in step (g), the data forwarded is displayed as a screen pop on a video display connected to the computer platform at the remote agent station.

18. (Original) The method of claim 17 wherein the screen pop includes a script for the agent at the remote agent station.

19. (Original) The method of claim 15 wherein first control routines executing at the CTI

processor and second control routines executing at the computer platform at the remote agent station are adapted to cooperate over the data link to provide call center services to the agent at the remote agent station.

20. (Original) A home agent call center system, comprising:

a telephony switch connected to a first trunk adapted for receiving incoming calls from a telephony network, and to a second trunk adapted for placing outbound calls into the network;

a computer telephony integration (CTI) processor connected to the telephony switch and to a data base, the CTI processor executing a CTI application;

an agent station remote from the call center, the agent station having a telephone connected by a first telephony line to the telephony network and a computer platform with a video display unit (PC/VDU) connected by a second telephony line through a modem to the telephony network; and

a data port associated with the CTI processor adapted to establish a data connection;

wherein a data connection is established between the CTI processor and the computer station at the remote agent station, and as incoming calls are switched to the remote agent station, data pertaining to each incoming call is retrieved from the data base and sent via the open data link to the computer platform at the remote agent station to be displayed on the VDU.

21. (Original) The system of claim 20 wherein the data connection is established prior to a first call being switched to the remote agent station, and is maintained open thereafter as further calls are switched to the remote agent station.

22. (Original) The system of claim 20 wherein the computer platform at the remote agent station is characterized by a TAPI-compliant device connected to the telephone such that the computer platform may detect incoming telephone calls, and wherein, upon detecting

a call from the call center, the computer platform immediately dials up the CTI-processor and establishes the data link by a reduced log-in procedure allowing a minimum time connection.

23. (Original) The system of claim 20 wherein the CTI-processor is characterized by having a modem bank adapted to dial outgoing calls, and wherein, as a call is selected to be switched to the remote agent station, the modem bank dials the remote agent station and establishes the data connection.

24. (Original) The system of claim 20 wherein the telephony network is a publicly-switched telephony network.

25. (Original) The system of claim 20 wherein the CTI-processor is adapted as an Internet-connected server, and the data link is established by the computer platform at the agent station dialing up an Internet service provider (ISP) and establishing an Internet link to the CTI-processor.

9.

Evidence Appendix

No evidence other than the arguments and facts presented in this brief is provided.

10.

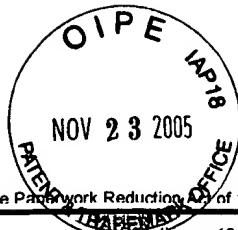
Related Proceedings Appendix

No copies provided, because these claims have never been appealed.

Respectfully Submitted,
Dan Kikinis et al.

by Donald R. Boys
Donald R. Boys
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PTO/SB/17 (12-04)

Approved for use through 07/31/2006. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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Effective on 12/08/2004.

FEE TRANSMITTAL For FY 2005

 Applicant claims small entity status. See 37 CFR 1.27TOTAL AMOUNT OF PAYMENT (\$)
500.00

Complete if Known

Application Number	09/387,616
Filing Date	08/31/1999
First Named Inventor	Dan Kikinis
Examiner Name	Thjuan P. Knowlin
Art Unit	2642
Attorney Docket No.	P3233D1

METHOD OF PAYMENT (check all that apply)

- Check Credit Card Money Order None Other (please identify): _____
- Deposit Account Deposit Account Number: **50-0534** Deposit Account Name: **Mark A. Boys**

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

- Charge fee(s) indicated below Charge fee(s) indicated below, except for the filing fee
- Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 Credit any overpayments

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FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity	Fee (\$)	Small Entity	Fee (\$)	Small Entity	
Utility	300	150	500	250	200	100	0
Design	200	100	100	50	130	65	0
Plant	200	100	300	150	160	80	0
Reissue	300	150	500	250	600	300	0
Provisional	200	100	0	0	0	0	0

2. EXCESS CLAIM FEES

Fee Description

Each claim over 20 or, for Reissues, each claim over 20 and more than in the original patent

Small Entity	
Fee (\$)	Fee (\$)
50	25
200	100
360	180

Each independent claim over 3 or, for Reissues, each independent claim more than in the original patent

Multiple dependent claims

Small Entity					
Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)	Multiple Dependent Claims	
0 - 20 or HP = 0	x 25	= 0	0		
HP = highest number of total claims paid for, if greater than 20				0	0
Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)	Fee (\$)	Fee Paid (\$)
0 - 3 or HP = 0	x 100	= 0	0	0	0
HP = highest number of independent claims paid for, if greater than 3					

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
- 100 = 0	/ 50 = 0	(round up to a whole number)	x 125 = 0	0

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other: Filing a brief in support of an appeal

Fees Paid (\$)
0
500.00

SUBMITTED BY

Signature		Registration No. (Attorney/Agent)	35,074	Telephone	831-726-1457
Name (Print/Type)	Donald R. Boys		Date	11/22/2005	

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Date of Deposit: **11/22/2005**

Ref: Case Docket No.: **P3233D1**

First Named Inventor: **Dan Kikinis et al.**

Serial Number: **09/387,616**

Filing Date: **08/31/1999**

Title of Case: **Method and Apparatus for Providing an Interactive Home Agent with Access to Call Center Functionality and Resources**

I hereby certify that the attached papers are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated above and addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

1. Appeal Brief.
2. Fee transmittal.
3. Duplicate fee transmittal.
4. Check for fees in the amount of \$500.00.
5. Certificate of express mailing.
6. Postcard listing contents.

Mark A. Boys

(Typed or printed name of person mailing paper or fee)

A handwritten signature in black ink, appearing to read "Mark A. Boys".

(Signature of person mailing papers or fee)